

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

OSCAR RAMOS,  
Plaintiff,  
v.  
LESA MARIE GONZALEZ, et al.,  
Defendants.

Case No. 2:24-cv-01261-CSK  
PRETRIAL SCHEDULING ORDER AND  
ORDER DISMISSING DOE DEFENDANTS

READ THIS ORDER CAREFULLY. IT CONTAINS IMPORTANT DATES THAT THE COURT WILL STRICTLY ENFORCE AND WITH WHICH ALL COUNSEL AND PARTIES, INCLUDING THOSE PROCEEDING WITHOUT COUNSEL, MUST COMPLY. FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN THE IMPOSITION OF MONETARY AND ALL OTHER APPROPRIATE SANCTIONS.

On January 28, 2025, the Court conducted a status (pretrial scheduling) conference in this matter. At the status conference, attorney Richard Mac Bride appeared on behalf of Plaintiff, and attorney David Roth appeared on behalf of Defendants. After considering the parties' joint status report (ECF No. 18), and the status conference held, the Court issues the following pretrial scheduling order.<sup>1</sup>

---

<sup>1</sup> This matter proceeds before the undersigned pursuant to 28 U.S.C. § 636(c) on the consent of all parties. (ECF Nos. 4, 15, 16.)

1 **I. NATURE OF THE CASE**

2 From the parties' Joint Status Report (ECF No. 18 at 1):

3 **Plaintiff's Position:**

4 Plaintiff's Complaint alleges claims for: (1) Violation of the Americans with  
5 Disabilities Act of 1990; (2) Breach of Statutory Protections for Persons with Physical  
6 Disabilities; (3) Violation of California's Civil Rights Act; and (4) Violation of California  
7 Unruh Civil Rights Act.

8 **Defendants' Position:**

9 Defendants maintain that they acted reasonably and in good faith at all times.

10 **II. SERVICE OF PROCESS, JOINDER OF PARTIES, PLEADINGS AMENDMENT**

11 All named Defendants have been served and have answered the Complaint.  
12 (ECF No. 18 at 1.) Plaintiff indicated that a motion to amend may be needed after the  
13 site inspection of the subject property was completed. (ECF No. 18 at 2.) At the  
14 scheduling conference, the parties informed the Court that the site inspection has been  
15 cancelled due to ongoing settlement discussions. No further service, joinder of parties, or  
16 amendments to pleadings is permitted except with leave of Court, and only after good  
17 cause is shown.

18 The Court notes fifty (50) Doe Defendants are named in the Complaint. (See ECF  
19 No. 1.) The inclusion of such "Doe" defendants is generally disfavored in the Ninth  
20 Circuit. *Soo Park v. Thompson*, 851 F.3d 910, 928 n.21 (9th Cir. 2017) (citing *Gillespie v.*  
21 *Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980)). In addition, in the parties' Rule 26(f) report,  
22 Plaintiffs indicate that Defendants Lesa Marie Gonzalez, individually and dba Dave's  
23 Giant Hamburger, Ellen Carol Gansberg are the only defendants, stating: "[a]ll  
24 Defendants have been served. There are no cross-defendants." (ECF No. 18 at 1.)  
25 Plaintiff also indicated joinder of additional parties was "[n]ot anticipated." (*Id.* at 2.)  
26 However, Plaintiff indicated that "[d]iscovery has not been conducted as to whether there  
27 are any other defendants who need to be named. This should be done within four  
28 months." (*Id.* at 6.) At the scheduling conference, Plaintiff confirmed that dismissal of the

1 Doe Defendants was appropriate. The Doe Defendants are hereby DISMISSED from  
2 this case, and should Plaintiffs wish to amend to add additional named defendants after  
3 discovering their identities, Plaintiffs may file a motion to amend and submit this motion  
4 for the Court's review. No further service, joinder of parties, or amendments to pleadings  
5 is permitted except with leave of Court, and only after good cause is shown.

6 **III. JURISDICTION/VENUE**

7 The parties assert that the Court has subject matter jurisdiction (ECF No. 18 at 2),  
8 which is found to be proper. Venue is proper and undisputed. (*Id.*)

9 **IV. DISCOVERY DEADLINES AND PROCEDURES FOR DISCOVERY DISPUTES**

10 **A. Initial Disclosures**

11 The parties indicate they have exchanged Rule 26 Initial Disclosures. (ECF No.  
12 No. 18 at 2-3.) At the scheduling conference, the parties confirmed initial disclosures  
13 have been exchanged.

14 **B. Joint Mid-Discovery and Mediation Status Statement**

15 By **May 31, 2025**, all parties shall file with the Court a Joint Mid-Discovery  
16 Statement summarizing the current status of discovery efforts. This statement shall  
17 include discovery completed to date and identification of issues, if any, preventing  
18 discovery from proceeding in a timely manner. The filing of this statement shall not  
19 relieve the parties or counsel of their obligations to meet and confer, comply with the  
20 deadlines set by the Court, and comply with the discovery procedures set by the Court.

21 **C. Non-Expert Discovery**

22 All non-expert discovery shall be completed by **September 30, 2025**. "Completed"  
23 means (1) all non-expert discovery shall have been conducted, including written  
24 discovery and depositions taken, and (2) any disputes related to discovery shall have  
25 been resolved by appropriate order if necessary and, where discovery has been  
26 ordered, the order has been complied with. Any discovery-related motions must conform

27    ///

28    ///

1 to the requirements of the Federal Rules of Civil Procedure, this Court's Local Rules,<sup>2</sup>  
2 including Local Rule 251, and Judge Kim's Civil Standing Orders.<sup>3</sup> Judge Kim hears civil  
3 motions on Tuesdays at 10:00 a.m.

4 **D. Expert Discovery**

5 The parties shall disclose any expert witnesses in accordance with Federal Rule  
6 of Civil Procedure 26(a)(2) no later than **October 15, 2025**. Any rebuttal expert  
7 disclosures shall be made in accordance with Fed. R. Civ. P. 26(a)(2) no later than  
8 **October 31, 2025**. Expert disclosures shall be served upon all parties. All expert  
9 discovery shall be completed by **November 14, 2025**. "Completed" means (1) all expert  
10 discovery shall have been conducted, including depositions taken, and (2) any disputes  
11 related to expert discovery shall have been resolved by appropriate court order if  
12 necessary and, where discovery has been ordered, the order has been complied with.  
13 The same procedures for discovery disputes applies to non-expert and expert discovery.

14 An expert witness not timely disclosed will not be permitted to testify unless the  
15 party offering the expert witness demonstrates that the failure was substantially justified  
16 or is harmless. See Fed. R. Civ. P. 37(c). Upon discovery of any such expert witness,  
17 the party offering the late disclosed expert witness must promptly notify all parties in  
18 writing, promptly make the expert witness available for deposition, and promptly notify  
19 the Court in a written filing. This filing must include the case deadlines for expert  
20 disclosures, expert discovery cut-off, dispositive motions, final pretrial conference, and  
21 trial. Failure to timely provide the information required by Fed. R. Civ. P. 26(a)(2) may  
22 lead to preclusion of the expert's testimony or other appropriate sanctions. See Fed. R.  
23 Civ. P. 37(c).

---

24  
25 <sup>2</sup> The Local Rules of the United States District Court for the Eastern District of California  
26 are available on the district court's website:  
<https://www.caed.uscourts.gov/caednew/index.cfm/rules/local-rules/>.

27 <sup>3</sup> Judge Kim's Civil Standing Orders are available on Judge Kim's webpage on the  
28 district court's website: <https://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-chi-soo-kim-csk/>.

1                   **E. Discovery Disputes**

2                   Prior to filing any discovery-related motions, the parties are required to meet and  
3 confer in good faith in an attempt to resolve their discovery disputes informally and  
4 without Court intervention. Such meet and confer shall take place in person, by  
5 telephone, or by video. The mere exchange of letters or e-mails alone is not sufficient.  
6 As part of their joint statement related to a discovery motion submitted pursuant to Local  
7 Rule 251, the parties shall also specifically outline: (a) what meet-and-confer efforts were  
8 taken, including when and where such discussions took place, who participated, how the  
9 parties' disputes were narrowed as a result of such discussions; and (b) a summary of  
10 discovery completed to date. Failure to comply with these requirements may result in  
11 summary denial of any discovery motion.

12                  The Court strongly encourages the use of informal telephonic discovery  
13 conferences with the Court in lieu of formal discovery motion practice. The procedures  
14 and conditions for requesting and conducting such an informal telephonic discovery  
15 conference are set forth in Judge Kim's Civil Standing Orders. In addition, and subject to  
16 availability, the Court will rule on disputes encountered during oral depositions. If a  
17 dispute arises during the deposition, the parties may contact Judge Kim's Courtroom  
18 Deputy at (916) 930-4187 to inquire regarding Judge Kim's availability. However, the  
19 parties are cautioned that these informal procedures are not to be abused, and the Court  
20 may impose appropriate sanctions.

21                  **V. MOTIONS**

22                  All pretrial law and motion, including motions for summary judgment under Fed.  
23 R. Civ. P. 56, shall be filed by **December 16, 2025** and heard by **January 20, 2026**.<sup>4</sup>

24                  Dispositive motions must be filed following the procedures of Local Rules 230 and  
25 260, and Judge Kim's Civil Standing Orders. Counsel and parties proceeding without

---

26                  <sup>4</sup> Pursuant to Local Rule 230(b), a motion set for hearing on January 20, 2026 must be  
27 filed by December 16, 2025, which is 35 days before the hearing date. Please note that  
28 Judge Kim has a separate schedule for cross motions for summary judgment, which is  
set out in her Civil Standing Orders.

1 counsel should pay particular attention to the rules for Statements of Undisputed Facts  
2 for motions for summary judgment, cross motions for summary judgment, and general  
3 brief requirements in the Local Rules and Judge Kim's Civil Standing Orders. If both  
4 Plaintiff and Defendant intend to file motions for summary judgment, the parties must  
5 follow the schedule and requirements set out in Judge Kim's Civil Standing Orders for  
6 cross motions for summary judgment.<sup>5</sup> Judge Kim generally hears civil motions on  
7 Tuesdays at 10:00 a.m. This paragraph does not apply to motions for continuances,  
8 motions in limine related to trial, temporary restraining orders, or other emergency  
9 applications, for which the Court may set a special briefing schedule, if necessary or  
10 appropriate.

11 All purely legal issues are to be resolved by timely pretrial motion. The purpose of  
12 law and motion is to narrow and refine the legal issues raised by the case, as well as to  
13 dispose of those issues that can be resolved by pretrial motion. Motions in limine should  
14 address trial-related issues, such as the admissibility of evidence. The Court will look  
15 with disfavor upon dispositive motions or other substantive legal motions presented as  
16 motions in limine at the time of trial.

17 **VI. SETTLEMENT CONFERENCE**

18 At the scheduling conference, the parties indicated they have begun settlement  
19 discussions to resolve this action and are not requesting a settlement conference with a  
20 magistrate judge at this time. If the parties want to conduct a settlement conference with  
21 a magistrate judge, they are to contact the undersigned's courtroom deputy at (916) 930-  
22 4187 or [awaldrop@caed.uscourts.gov](mailto:awaldrop@caed.uscourts.gov), to inquire as to the availability of another  
23 magistrate judge for a settlement conference. Parties should communicate the specific  
24 time frame when they would like the settlement conference held.

25    ///

26

27    

---

<sup>5</sup> Pursuant to Judge Kim's Civil Standing Orders, if both Plaintiff and Defendant intend  
28 to file motions for summary judgment, Plaintiff's opening summary judgment motion must  
be filed by December 2, 2025.

1 **VII. FINAL PRETRIAL CONFERENCE AND TRIAL**

2 The final pretrial conference is set for **March 10, 2026** at 10:00 a.m. and trial is  
3 set for **April 6, 2026** at 9:30 a.m. in Courtroom No. 25 before United States Magistrate  
4 Judge Chi Soo Kim. Trial counsel must appear at the final pretrial conference. At the  
5 final pretrial conference, the Court will set the deadlines for other trial-related deadlines,  
6 including the submission of exhibits and filing of findings of fact and conclusions of law.

7 **A. Meet and Confer**

8 At least 28 days before the final Pretrial Conference, lead counsel who will try the  
9 case shall meet and confer with respect to the following subjects: (1) settlement of the  
10 case; (2) preparation of the joint pretrial filings; and (3) clarifying and narrowing the  
11 contested issues for trial. Counsel in close geographical proximity are encouraged to  
12 meet in person.

13 **B. Joint Pretrial Statement**

14 The parties shall file a joint pretrial statement pursuant to Local Rule 281(a)(2).  
15 The joint pretrial statement must be filed no later than twenty-one (21) days before the  
16 date set for the final pretrial conference and must also be emailed as a Word document  
17 to [CSKorders@caed.uscourts.gov](mailto:CSKorders@caed.uscourts.gov). **Separate pretrial statements are not permitted  
18 unless a party is not represented by counsel.**

19 The pretrial statement must cover all topics identified in Local Rule 281 with the  
20 following additions and clarifications:

- 21 1. Statement of the Case: A concise, joint statement of the case must be  
22 included.
- 23 2. Trial Length Estimate: An estimate of the length of trial must also be  
24 included. Unless otherwise ordered, trial hours will be from 9:30 a.m. to  
25 4:30 p.m., Monday through Friday.
- 26 3. Procedural Status: A concise summary of the procedural status of the  
27 case must be included, including the disposition of any motions and  
28 whether any motions are still pending.

- 1       4. Factual Issues: The undisputed facts and disputed factual issues shall be
- 2       set forth in separate sections of the pretrial statement. Each fact or factual
- 3       issue should be numbered. For disputed factual issues, identify the cause
- 4       of action or defense to which the factual issue is related.
- 5       5. Points of Law: In the points of law section of the pretrial statement, include
- 6       the elements for each cause of action and each defense, with citation to
- 7       the relevant legal authority.
- 8       6. Motions In Limine: The parties shall also identify the motions in limine
- 9       each party reasonably anticipates filing.
- 10      7. Witness Lists: Each party's witness list must be submitted as a separate
- 11       attachment to the pretrial statement, and labeled as such. The witness list
- 12       must include the witness's name; the witness's title or position; whether the
- 13       testimony is offered in-person or by deposition; whether the witness is
- 14       designated as an expert; and a concise statement of the anticipated
- 15       subjects of testimony. Pursuant to Local Rule 281, only individuals on the
- 16       witness list submitted with the pretrial statement will be permitted to testify
- 17       at trial, except as may be otherwise provided in the pretrial order. The
- 18       witness's address does not need to be included.
- 19      8. Exhibit Lists: Each party's exhibit list must be submitted as a separate
- 20       attachment to the pretrial statement, and labeled as such. Plaintiff's
- 21       exhibits shall be listed numerically; Defendant's exhibits shall be listed
- 22       alphabetically. All exhibits must be individually identified with specificity,
- 23       including a reasonable amount of detail such that other parties can identify
- 24       each exhibit, including exhibit name/title, document/file date, bates
- 25       numbers, and a concise description of the exhibit. Groups or categories of
- 26       documents/records may not be listed as a single exhibit (e.g., it is improper
- 27       to list "Initial Disclosure Documents," "Cell phone records," etc. as a single
- 28       exhibit). Pursuant to Local Rule 281, only exhibits on the exhibit list

1 submitted with the pretrial statement will be permitted to be offered at trial,  
2 except as may be otherwise provided in the pretrial order. The parties are  
3 instructed to refer to and follow the Court's Jury Trial Procedures available  
4 on Judge Kim's webpage on the district court's website:

5 <https://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-chi-soo-kim-csk/>. This document  
6 includes important instructions and requirements for exhibit lists.

7  
8 9. Further Discovery or Motions: Inclusion of a section regarding further  
9 discovery or motions in the pretrial statement pursuant to Local Rule  
10 218(b)(13) will not be interpreted as a motion to request further discovery,  
11 a request to modify the scheduling order or any other order issued for this  
12 case, or as an actual motion or request. The parties must continue to follow  
13 the scheduling order(s) for this case, the Local Rules, and the Court's  
14 standing orders to request further discovery or a modification of the  
15 scheduling order(s).

16 **C. Motions In Limine**

17 Motions in limine shall be filed by the close of business fourteen (14) days before  
18 the date set for the final pretrial conference. Any opposition shall be filed by the close of  
19 business seven (7) days before the date set for the final pretrial conference. No replies  
20 shall be filed.

21 Briefing for motions in limine shall be limited to 25 pages total for each side. Each  
22 motion in limine should be numbered and clearly identified. For example, "Plaintiffs'  
23 Motion in Limine No. 1 Re: [subject]." The brief shall include a table of contents at the  
24 beginning that lists each motion in limine and the page number on which the motion  
25 begins.

26 Briefing for oppositions/ responses to motions in limine shall also be limited to 25  
27 pages total for each side. Each opposition/ response should be numbered and clearly  
28 identified. For example, "Defendants' Opposition to Plaintiffs' Motion in Limine No. 1 Re:

1 [subject]." The brief shall also include a table of contents at the beginning that lists each  
2 motion in limine opposition/ response and the page number on which the opposition/  
3 response begins.

4 The parties should be prepared to argue their motions in limine at the final pretrial  
5 conference. The Court will endeavor to rule on motions in limine before trial begins to  
6 assist the parties in their trial preparations.

7 **D. No Proposed Voir Dire, Jury Instructions, and Verdict Forms**

8 Because this case will be tried to the bench, proposed voir dire questions, jury  
9 instructions, and verdict forms should not be submitted.

10 **E. Trial Briefs**

11 Parties are not required to file trial briefs. If a party chooses to file a trial brief, it  
12 shall not be longer than five pages and shall be filed no later than by the close of  
13 business fourteen (14) days before the date set for the final pretrial conference. Trial  
14 briefs shall not duplicate the contents of the joint pretrial statement and proposed order.

15 **F. Courtesy Copies**

16 Two binders containing courtesy copies of the Joint Pretrial Statement, witness  
17 lists, exhibit lists, proposed voir dire questions, proposed joint jury instructions, proposed  
18 joint verdict forms, motions in limine, and optional trial briefs must be delivered to the  
19 Clerk's office by noon thirteen (13) days before the date set for the final pretrial  
20 conference. This is the day after the filing deadline for the proposed voir dire questions,  
21 proposed jury instructions, proposed verdict forms, motions in limine, and optional trial  
22 briefs. *Parties should coordinate so that only two courtesy copies are submitted, rather*  
23 *than submitting separate courtesy copies from each party.* Parties do not need to provide  
24 courtesy copies of the motion in limine oppositions.

25 All courtesy copies must be double-sided, three-hole punched at the left margin,  
26 and marked with the ECF stamp (case number, document number, date, and page  
27 number) on the top of each page. These binders shall include labeled side tabs, and be  
28 clearly marked "Chambers Copy – Do Not File" with Judge Kim's name, the case

1 number, and the case name.

2 **G. Trial**

3 A bench trial is set for **April 6, 2026** at 9:30 a.m., in Courtroom No. 25. The  
4 parties estimate 3-5 days for trial. (ECF No. 18 at 5-6.)

5 **VIII. SCHEDULE SUMMARY**

6 <b>Event</b>	7 <b>Deadline</b>
8 Initial Disclosure Exchange	9 <b>Parties have exchanged by agreement.</b>
10 Joint Mid-Discovery and Mediation 11 Status Report	12 <b>May 31, 2025</b>
13 Non-Expert Discovery Completion	14 <b>September 30, 2025</b>
15 Expert Disclosures	16 <b>October 15, 2025</b>
17 Rebuttal Expert Disclosures	18 <b>October 31, 2025</b>
19 Expert Discovery Completion	20 <b>November 14, 2025</b>
21 If cross-motions for summary 22 judgment, <sup>6</sup> Plaintiff's Summary 23 Judgment Motion Filed By	24 <b>December 2, 2025</b>
25 If no cross-motions for summary 26 judgment, Dispositive Motion Filed 27 By	28 <b>December 16, 2025</b>
29 Dispositive Motions Heard By	30 <b>January 20, 2026</b>
31 Joint Pretrial Statement Filed By	32 21 days before the FPTC
33 Motions In Limine Filed By	34 14 days before the FPTC
35 Final Pretrial Conference ("FPTC") 36 and Motions In Limine Hearing	37 <b>March 10, 2026</b>
38 Bench Trial (3-5 days)	39 <b>April 6, 2026</b>

40 **IX. MODIFICATIONS OF THIS SCHEDULING ORDER**

41 This case schedule will become final without further order of the Court unless  
42 written objections are filed within fourteen (14) days of the entry of this order. The parties  
43

---

44 <sup>6</sup> If both Plaintiff and Defendant intend to file motions for summary judgment, the parties  
45 must follow the schedule set out in Judge Kim's Civil Standing Orders for cross-motions  
46 for summary judgment.

1 are reminded that pursuant to Federal Rule of Civil Procedure 16(b)(4), this order shall  
2 not be modified except by leave of Court upon a showing of "good cause." See *Johnson*  
3 *v. Mammoth Recreations, Inc.*, 975 F.2d 604 (9th Cir. 1992). Agreement by the parties  
4 pursuant to a stipulation does not constitute good cause. Nor does the unavailability of  
5 witnesses or counsel, except in extraordinary circumstances, constitute good cause.  
6 Requests or stipulations to continue dispositive motion deadlines, the final pretrial  
7 conference, or trial dates must establish good cause and are not granted lightly.

8 Any request or stipulation to modify this scheduling order must set forth the  
9 following:

- 10 1. the existing due date or hearing date as well as the discovery cutoff date, the last  
11 date for hearing motions, the final pretrial conference date, and the trial date;
- 12 2. whether there have been prior requests for extensions, and whether these were  
13 granted or denied by the Court; and
- 14 3. specific, concrete reasons supporting good cause for granting the extension. For  
15 example, if the reason for the requested extension is that it "will promote  
16 settlement," the requesting party or parties must indicate the status of negotiation  
17 efforts (e.g., whether a mediator has been selected, a mediation has been  
18 scheduled, etc.).

19 Dated: January 29, 2025

20   
21 CHI SOO KIM  
22 UNITED STATES MAGISTRATE JUDGE

23 4, ramo1261.14

24  
25  
26  
27  
28